

IDAHO BUILDING CODE BOARD MEETING

Tuesday – March 18, 2008 – 9:30 A.M.

**Division of Building Safety
Board Conference Room
1090 East Watertower Street
Meridian, ID 83642**

NOTE: The following report is not intended to be a verbatim transcript of the discussion at the meeting, but is intended to record the significant features of those discussions.

The meeting was called to order by Chairman Tom Wilson at 9:35 a.m. on March 18, 2008.

Board Members Present:

Tom Wilson, Chairman
Ed Wagner, Vice Chairman
Ken Sommer
Kelly Daniels
Doug Brown
Ron Whitney
Bobby Ball
Janene Welch

Board Members Absent:

Mike Tracy

DBS Staff Members:

Kelly Pearce, Administrator
Steve Keys, Deputy Administrator, Operations
Jack Rayne, Building Bureau Chief
Roger Gabel, Deputy Attorney General
Arlan Smith, Plan Review Program Manager
Lisa Stover, Plans Examiner
Bill Hatch, Public Information Officer
Danielle Lefler, Administrative Assistant 2
Melinda Doan, Technical Records Specialist
Brandee Pasborg, Office Specialist 2
Kirk Weiskircher, Financial Specialist, Principal
Renee Bryant, Administrative Assistant 2
Rob Foster, Electrical Code Specialist

♦ **Open Forum**

No items were addressed.

♦ **Approval of the March 18, 2008 Agenda**

MOTION: Janene Welch made a motion to approve the Agenda. Ron Whitney seconded. All in favor, motion carried.

♦ **Approval of the December 18, 2007 Board Meeting Minutes**

There was a correction in the second paragraph of page two under “AIC School Plan Review Proposed Legislation”. The architect’s last name is Henson, not Hensen.

MOTION: Doug Brown made a motion to accept the Minutes. Ed Wagner seconded. All in favor, motion carried.

♦ **Financial Report**

Kirk Weiskircher reviewed the Financial Report. Graphs showing the trends of the Bureau’s revenues/expenditures are being created and will be included in future reports.

MOTION: Doug Brown made a motion to approve the Financial Report. Ken Sommer seconded. All in favor, motion carried.

ACTION: At the July 15th meeting, Kirk Weiskircher to report to the Board the cost to organize/host local board meetings, as well as board meetings held throughout the state. Mr. Weiskircher to also provide a travel cost comparison of all DBS Boards.

◆ **SBCB Legislation Procedures and Legislative Report**

This year the Board promulgated one temporary rule; allowing local jurisdictions until January 1, 2008 to implement the 2006 code. Also put forth was Senate Bill 1396; providing the Idaho Building Code Board the authority to amend specified codes and to revise certain referenced code revisions.

Steve Keys addressed several issues the industry and legislature had concerning SB1396.

It was suggested when adopting a specific year's code; language in the statute should be non-specific. Other DBS Board's statutes reflect the latest edition of the code as approved in Administrative Rule by the Board.

MOTION: Janene Welch made a motion that the Board delegate the responsibility for generating the temporary rule regarding the adoption of the 2006 codes to the Administrator and consider teleconferencing by the Board prior to the adjournment of the Legislature. Bobby Ball seconded. Motion passed.

ACTION: Steve Keys to convey, in writing, a synopsis of the requirements Legislature expects the Board to handle regarding changes to the current statute and laws.

ACTION: The Bureau will begin to prepare potential legislation for a future meeting.

◆ **Bureau Chief's Report**

Jack Rayne presented, via a PowerPoint presentation, a summarization of the functions/responsibilities of the Building Bureau, including an overall activity report.

◆ **Administrator's Report**

Economy – The Division anticipates their current activity level will be equivalent to their 2004 activity level. Areas within the state continue to boom, however; as a whole, the State is seeing dramatic deterioration in the construction industry.

Future Budget – The Agency is working to increase their budget, having sufficient funds to allocate four board meetings per year per board. Currently the HVAC, Electrical, Plumbing and Public Works Contractor Licensing Boards meet four times a year.

FY2009 Budget – The 2009 fiscal year's budget has been approved by the Joint Finance and Appropriations Committee, as well as unanimously approved by the State Senate. It is currently scheduled for a third reading in the House.

Zero Based Budget – The Governor has indicated zero based budgeting will be imposed upon all state agencies. The concept and method of this budget was explained by

Administrator Pearce. Beginning July 1, 2009, DBS will be one of the first agencies to implement this technique.

MOTION: Doug Brown made a motion that the State Building Code Board has unanimous consent of those present to participate in a workshop on zero based budgeting with teleconference capabilities. Ken Sommer seconded. All in favor, motion carried.

ACTION: Kelly Pearce to coordinate with the Division of Financial Management a workshop for all DBS Boards; to include teleconferencing for out-of-area board members.

CAS – It is projected the Agency’s new computer system will become active/on-line in late summer or early fall of this year.

Contract Inspectors – The Agency was given an opportunity to create a pilot program on contract inspectors. After extensive research, the Division feels it is impractical to proceed due to the cost of liability insurance required of potential contractors.

♦ **Senate Bill 1396 (Power of the SBCB)**

The Board currently has no authority to amend code. If passed, SB 1396 would give the Board the ability to amend code through the negotiated rule-making process.

Doug Brown expressed his concerns on whether the Board would use their power to amend the code constructively and judiciously or allow others to exploit them for their personal agenda.

A DVD and informational sheet regarding residential sprinkler systems were distributed; as well as a flyer on the Idaho Fire Protection Forum’s next meeting.

♦ **House Bills 436 & 437 (State Fire Marshal/Countywide Enforcement of IFC)**

HB 436 would ensure uniform enforcement of the IFC on a countywide basis unless specific provisions are exempted by a majority vote of the county commissioners of a county.

HB 437 would exempt a county from enforcement of the IFC unless the County Commissioners specifically adopt provisions.

Both bills have had a first reading in the House and are currently in the Business Committee.

Deputy Attorney General Roger Gabel reiterated the definitions of a quorum and open meeting law.

♦ **HB 531 (Amending law related to Administrative Rules)**

HB 531 would amend existing law relating to Administrative Rules to provide statutory procedures for negotiated rulemaking; and to provide for an agency to post notice of rulemaking onto its website if the agency has a website.

HB 531 was presented as “informational only” and did not pass this year.

♦ **2006 Code Issues**

The Board briefly addressed whether they want the ability to recommend or amend the code. To get a better understanding of how each member feels about this topic, an advisory vote was suggested.

MOTION: Janene Welch made a motion to have an advisory vote on whether or not the Board wants to consider the Board having the power to amend the code via Administrative Rule. Ken Sommer seconded. The Board was polled: Tom Wilson-aye, Ed Wagner-aye, Bobby Ball-nay, Doug Brown-aye, Ron Whitney-aye, Kelly Daniels-aye, Ken Sommer-aye and Janene Welch-aye. Seven ayes, one nay; motion carried.

MOTION: Doug Brown made a motion to adjourn the Meeting. Ron Whitney seconded. All in favor, motion carried. Meeting adjourned at 12:10 p.m.

TOM WILSON, CHAIRMAN
BUILDING CODE BOARD

C. KELLY PEARCE, ADMINISTRATOR
DIVISION OF BUILDING SAFETY

DATE

DATE